

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
June 6, 2005

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Pro-Tem Ric Miller presiding. The meeting was called to order, followed by the invocation by Mayor Pro-Tem Miller and the pledge of allegiance to the flag. The following were present.

Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

ABSENT: Mayor Robert D. Parrott

APPROVAL OF AGENDA

City Manager Bowers reported that the Housing Authority has provided a written report for the City Council in lieu of making a presentation. He distributed the written report.

Motion was made by Council Member Little and seconded by Council Member Dunn to approve the agenda as presented. Motion carried unanimously.

CONSENT AGENDA - APPROVED

Motion was made by Council Member Craft and seconded by Council Member Dunn to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes of the April 19, May 9, May 12, and May 23, 2005 City Council meetings
- (2) Consideration of Various Tax Refunds

<u>Name</u>	<u>Reason</u>	<u>Amount</u>
Adam Blake Viverette	Prorate taxes on vehicle	\$165.48
VW Credit Leasing	Prorate taxes on vehicle	\$170.14
Ken Buck Estate	Mobile home double charged	\$235.95
- (3) Ordinance installing new stop signs within Langston Farm, Phase 5. (Ordinance No. 05-51)
- (4) Ordinance establishing a 25 MPH speed limit along Brasswood Court from Greenville Boulevard to the dead end of Brasswood Court (Ordinance No. 05-52)

- (5) Ordinance establishing a 30-minute metered parking zone on the south side of West Third Street beginning at a point 65 feet west of Evans Street and extending westward for 115 feet (Ordinance No. 05-53)
- (6) Resolution accepting dedication of public rights-of-way and easements for Langston Farms, Phase 5 (Resolution No. 05-32)
- (7) Resolution granting an easement to Greenville Utilities Commission at Greenfield Terrace Park (Resolution No. 05-33)
- (8) Resolution abandoning a Greenville Utilities Commission utility, access and pump station easement in Ironwood Subdivision. (Resolution No. 05-34)
- (9) Municipal Agreement with the North Carolina Department of Transportation for railroad crossing improvements on Martin Luther King, Jr. Drive. (Resolution No. 05-35; Contract No. 1410)
- (10) Municipal Agreement with the North Carolina Department of transportation for railroad crossing improvements on West Berkley Road. (Resolution No. 05-36; Contract No. 1411)
- (11) Resolutions authorizing the disposal of surplus computer equipment to Pitt Community College, Pitt County Schools, and East Carolina University. (Resolution Nos. 05-37, 05-38, and 05-39)

PUBLIC HEARING ON PROPOSED FY 2005-06 CITY OF GREENVILLE, SHEPPARD MEMORIAL LIBRARY, GREENVILLE UTILITIES COMMISSION, AND PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY BUDGETS

City Manager Bowers stated that the proposed FY 2005-06 \$75,764,335 City of Greenville, \$1,968,148 Sheppard Memorial Library, \$202,565,095 Greenville Utilities Commission, and \$721,868 Pitt-Greenville Convention and Visitors Authority balanced budgets were presented to City Council. The City's General Fund requests increased by ten percent to \$61,281,745. On May 23, the Council discussed the budget and made changes at that time. Those changes have been incorporated into the budget—inclusion of \$50,000 for park construction on Fire Tower Road and \$50,000 for skateboard park improvements and reduction in the contingency account from \$200,000 to \$100,000. The tax rate is proposed to remain at \$.56 per \$100 of tax valuation. The City budget includes an increase in Fire/Rescue fees and 12 new positions. Staff is available to answer questions.

No comments were voiced.

Mayor Pro-Tem Miller declared the public hearing open and solicited comments from the audience.

Mr. Tony Parker, a resident of Cape Pointe Lane, thanked the Council for continuing to plan parks and green spaces in Greenville. He asked them to continue doing so.

There being no further comments, the public hearing was closed.

Council Member Craft stated that the only comment he has received about the budget was an appreciation for adding another Code Enforcement Officer. Council Member Dunn indicated that she had received the same comment.

PRESENTATIONS BY BOARDS AND COMMISSIONS

Housing Authority

In lieu of an oral presentation, the Housing Authority provided the following annual report:

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- Promoted decent, safe and sanitary housing of 714 public housing units, 652 Section 8 privately owned units, 60 Section 8 new construction units designated for the elderly and a 40-unit Greentree Village complex
- Established as a housing authority that is released from HUD’s supervision and is fully independent
- Established policies and procedures for better efficiency and customer service
- Worked with the City in amending their public housing preference guidelines to include credit for government displacement in the ranking system and exploring partnerships with the City in providing safe and affordable housing
- Completed the reconstruction of the Meadowbrook community
- Conducted board training sessions
- Have partnered with Volunteers of America to provide assistance to residents of the new LifeHouse facility for the disabled

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Environmental Advisory Commission

Dr. Ulrich Alsentzer, Chairman of the Environmental Advisory Commission, stated that the Commission has established an Environmental Awareness Award, and the recipients were East Carolina Vocational Center for its recycling program, Jackie Ponder for the “Unnatural Resources Fair”, Vince Bellis for a lifetime of advocacy for the environment, and Dr. Gary Michaels for the environmentally sensitive development around his office expansion. The Commission has addressed, with City staff, neighborhood concerns about erosion and illegal dumping and promoted remedies.

Dr. Alsentzer stated that the major focus of the Environmental Advisory Commission has been tree preservation in the development process. In cooperation with the Community Appearance Commission and community-based developers/builders and environmental interest groups, ideas were developed for tree preservation during the development process (not adopted by City Council), modifications to the existing tree ordinance for additional protection of trees in the public right-of-way (adopted by City Council), modification to the existing vegetation ordinance to provide tree credits (concluded by the Environmental Advisory Commission but not yet discussed by City Council), and development of educational materials about the benefits of trees to individuals and the community. This slide show will be presented to community groups and collaborated with the other commissions.

Dr. Alsentzer concluded by informing the Council that the goals for the Environmental Advisory Commission for FY 2005-06 are to:

- Continue collaborative efforts on educating the public about air and water quality and how trees can be beneficial with air and water pollution control and to offer seminars on this subject to city officials and the developers/builders in the community.
- Co-sponsor with the Community Appearance Commission resolutions to request enabling legislation from the General Assembly to draft ordinance aimed at tree preservation.
- Educate ourselves about the possibilities to increase the proportion of recycled materials versus trash for the landfills and then promote those techniques and methods, which can achieve that goal.

Firemen's Relief Fund Committee

City Clerk Wanda Elks informed the Council that the Chairman had to be in Raleigh for a meeting and asked that she, as Secretary of the Committee, provide the report to Council. The creation of the committee was a result of state legislation creating the North Carolina Firemen's Relief Fund in 1907 for the benefit of those firemen injured and disabled in the line of duty. The Firemen's Relief Fund Committee actually oversees the Firemen's Relief Fund, which contains monies provided by the North Carolina Department of Insurance annually in the amount of half of one percent of the fire and lightning insurance premiums collected in the fire district. The Firemen's Relief Fund Committee is responsible for all disbursements of the funds, including scholarships for the dependents of firefighters, hardship cases, and supplemental retirement.

City Clerk Elks stated that in the last year, the Committee has awarded two \$2000 college scholarships to dependents of firefighters; provided 46 retired firefighters with their annual payment from the Supplemental Retirement Fund, with total disbursements made in the amount of \$20,921.95; providing annual certifications regarding the Firemen's Relief Fund to the North Carolina State Firemen's Association and the North Carolina Department of Insurance, and discussed at length other benefits for firefighters that can be funded through the Firemen's Relief Fund. The Greenville Firemen's Relief Fund Committee consists of five members, two of whom are appointed by the City Council, two by the firemen and one by the North Carolina Insurance Commission.

AGREEMENT WITH THE PITT COUNTY DEVELOPMENT COMMISSION AND A SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE DEPUTY CITY MANAGER - APPROVED

City Manager Bowers stated that under his administration, only one Deputy City Manager is needed. He has devised an arrangement for the Council to consider that would be able to provide some services to the Pitt County Development Commission for economic development purposes. The proposal is for Marvin Davis, Deputy City Manager, to be assigned to the Pitt County Development Commission from July 1, 2005 until June 30, 2007, which would fulfill the requirements of the current contract with the Deputy City Manager. The proposed two-year arrangement has been discussed with John Chaffee, Executive Director of the Pitt County Development Commission, who felt there were positive benefits for his agency under this arrangement. The Pitt County Development Commission approved the proposed contract on May 26.

Motion was made by Council Member Craft and seconded by Council Member Council to approve the agreement with the Pitt County Development Commission and the second amendment to the agreement with Marvin Davis. Motion carried unanimously. (Contract Nos. 1412 and 1089B.

REPORT AND DISCUSSION ON RESTAURANT COVER CHARGES

Mr. Harry Hamilton, Chief Planner, stated that in the last few months several restaurant and public club owners have voiced complaints with the Planning Office concerning the operational practices of a number of restaurants in the City, specifically that several were charging an entrance fee to cover the cost of paid entertainment such as bands and floorshows. Restaurants and clubs are regulated differently due to their characteristics, such as activity levels, hours of operation, impact on adjacent properties due to noise and litter and such. Extra review and additional permits are required to operate a club. Complainants perceived that they were not being treated fairly in that they themselves were compliant with the codes, while other operators failed to obtain the proper permits. Rather than act on the complaints in isolation, staff compiled a comprehensive list of all known restaurants that offer some form of entertainment to determine the scope of the issue. After determining that several restaurants were at times operating as clubs, staff mailed a courtesy notice to all restaurants known to provide entertainment informing them of the requirements and options for continued or additional use.

Mr. Hamilton continued by stating that there are 233 restaurants within the City. There are 24 public or private clubs within the total jurisdiction, 16 that are subject to special use permit review of the Board of Adjustment, and 8 that are grandfathered or pre-existing public or private clubs requiring no special use permit review. There are 23 restaurants offering nightly or periodic entertainment and eight charging a cover or entrance fee for admission during regular or special periods of operation. There are three types of restaurants—conventional (sit down, table service), fast food (drive thru and over the counter service) and ancillary or accessory (such as a facility cafeteria or a hotel dining area. A restaurant may contain a full service bar, have live or recorded music, have a floor show including comedians or other entertainers, or have a dance floor provided those activities are limited to the hours of operation of the restaurant. The differences between restaurants and public or private clubs is:

- Restaurants must have sales of food in excess of 50% of the total gross receipts in any given month.
- Restaurants cannot require a membership, cover or minimum charge for admittance or service during any period of operation.
- Public or private clubs have no food sales requirement and may charge a membership or cover charge for admittance.
- Public or private clubs are classified as entertainment and limited to four commercial districts (CD, CDF, CG, and CH).
- Restaurants are classified as retail and allowed in fourteen districts, including all commercial and industrial, office-residential and the medical support and office districts. A special use permit is required in three of the fourteen districts.

The primary operational difference in restaurants and public or private clubs is that there is a 51% food sales requirement for restaurants and clubs may charge an entrance fee.

Establishments that share both characteristics are regulated as dual use under the code. Of the eight known restaurants currently charging an entrance fee, seven are located in districts that allow public or private clubs as a special use, subject to Board of Adjustment review and approval. One restaurant, Dr. UNKS OASIS, is located in a Neighborhood Commercial district, interior to the Tar River Neighborhood, and no special use option is permitted for that site. Staff does not recommend changing the process. Staff recommends continuing to recognize the distinction between restaurants and clubs, continuing to allow the Board of Adjustment to determine the appropriate location of clubs through the established public hearing process, and to streamline the Board of Adjustment special use permit procedure including revised rehearing or renewal standards for all clubs.

Motion was made by Council Member Craft and seconded by Council Member Glover to refer to the Planning and Zoning Commission for review and recommendation an amendment to the Zoning Ordinance to streamline the Board of Adjustment special use permit procedure including revised rehearing or renewal standards for all clubs. Motion carried unanimously.

REVIEW OF JUNE 9, 2005 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the June 9, 2005 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Council stated that on June 11, a group of Greenville youth will be attending the 20th Anniversary of the North Carolina Legislative Black Caucus at the Sheraton in Raleigh. This is an annual event.

Council Member Glover stated that the Police Community Relations Committee will meet on Wednesday at 7:00 p.m. at the Eppes Center. She encouraged anyone interested to attend.

Council Member Glover also stated that her grandchild graduated from high school and got a scholarship from Georgetown University.

Council Members Little and Craft congratulated D. H. Conley and Rose High School for keeping the State baseball championship in Greenville.

Mayor Pro-Tem Miller stated that he has heard many good reports about The Science and Nature Center. He thanked and congratulated Boyd Lee and the Recreation and Parks Department.

CITY MANAGER'S REPORT

City Manager Bowers stated that the attendance at River Park North has been phenomenal.

City Manager Bowers asked the Chief of Police to address the Council, which he did by informing them that there was a double homicide on Friday night/Saturday morning. On Thursday, June 9, at 6:00 p.m. at Mt. Calvary Church, the Citizens Against Violence Everywhere

will be getting together and would like to invite all interested citizens to attend and join them to help come up with solutions to the violence being experienced.

City Manager Bowers reported that the Planning and Community Development Department is co-sponsoring and hosting an Employment Workshop with assistance from the Pitt County Job Link Career Center on June 22 at the C. M. Eppes Center. It is being offered for residents of the 45-block project area. The purpose is to identify existing job skills and employment needs of interested residents in the area. Employment counselors and specialists will be available to identify the job skills of the participants, and a follow-up meeting will be held to link the individuals and their skills with potential employers. Three sessions will be offered to accommodate as many people as possible.

City Manager Bowers reported that the resolution regarding the Greenville Utilities Commission bonds has been revised, and he distributed the revised resolution.

City Manager Bowers stated that his wife will be providing cake for the Council Members prior to the meeting on June 9 in celebration of completing the budget process.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Little to adjourn the meeting at 7:00 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk